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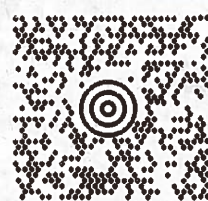
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SEATTLE WA 98101

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**SHIP ADMINISTRATOR CHRISTOPHER HLADICK**  
**TO: (206) 359-8306**  
**U.S. EPA, REGION 10**  
**STE 155**  
**1200 6TH AVE**  
**SEATTLE WA 98101-3188**



**WA 981 9-03**



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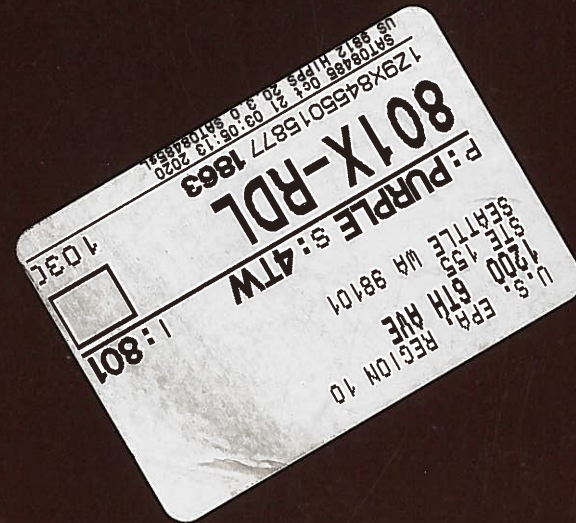
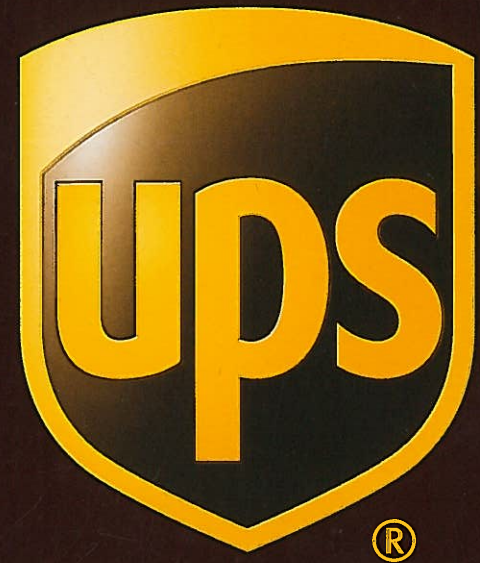
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# Express Envelope

October 19, 2020

Mark W. Schneider  
MWSchneider@perkinscoie.com  
+1.206.359.8627

Spokane Recycling Company, LLC  
Paramjit Hothi  
c/o Outside Counsel  
Ken Lederman  
Foster Garvey PC  
1111 3rd Avenue, Suite 3000  
Seattle, WA 98101  
[ken.lederman@foster.com](mailto:ken.lederman@foster.com)

***Via Email & Overnight Courier***

Managing Agent  
CDC Mead, LLC  
1650 Des Peres Road, Suite 303  
St. Louis, MO 63131

***Via Overnight Courier***

Managing Agent  
NMC Mead, LLC  
12214 Lakewood Blvd  
Downey, CA 90242

***Via Overnight Courier***

**Re: NOTICE OF INTENT TO FILE SUIT UNDER THE CLEAN WATER ACT**

**All:**

On behalf of Kaiser Aluminum Investments Company (“KAIC”)<sup>1</sup>, this letter provides Spokane Recycling Company, LLC, Paramjit Hothi, CDC Mead, LLC, and NMC Mead, LLC (collectively, “You”) with sixty days’ notice of KAIC’s intent to file a citizen suit against You under Section 505 of the Clean Water Act (“CWA”), 33 U.S.C. § 1365, for violations of the CWA occurring at and around property located at 2111 E Hawthorne Road in Spokane, WA 99224 (“Property”). The Property is covered under and subject to the requirements of the Washington State Department of Ecology’s (“Ecology”) Industrial Stormwater General Permit (“ISGP”) No. WAR 304975 (“the Permit”).<sup>2</sup>

In addition to violations of several other state and federal environmental and health and safety laws, as well as private agreements, You have violated and continue to violate “effluent

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<sup>1</sup> KAIC’s address is 27422 Portola Parkway, Suite 200, Foothill Ranch, CA 92610, United States and its phone number is 1-949-614-1740. Any response or correspondence related to this matter should be directed to me at the phone number, email address, or mailing address above.

<sup>2</sup> Your activities at and around the Property were previously covered under and subject to the requirements of NPDES Permit No. WA0000876 (last issued on August 7, 2014, with expiration date August 31, 2019). This permit was cancelled as of December 13, 2017 because coverage was obtained under ISGP Permit No. WAR304975. ISGP Permit No. WAR 304975 was issued on November 20, 2019, became effective on January 1, 2020, and had an expiration date December 31, 2024.

standards or limitations” under 33 U.S.C. § 1365(f) by exceeding benchmarks set in the Permit and failing to complete the required Corrective Actions following those benchmark exceedances. You have also repeatedly violated numerous other conditions of the Permit and requirements of the November 20, 2019 Settlement Agreement (“Settlement Agreement”). These violations include, but are not limited to, violations of Water Quality Standards, failing to implement a stormwater pollution prevention plan (“SWPPP”), failing to maintain and implement best management practices (“BMP”), repeatedly neglecting to perform and document monthly inspections, and repeatedly neglecting to submit quarterly Discharge Monitoring Reports and annual reports. Under 33 U.S.C. § 1365(f)(7), these violations also are actionable in a citizen suit. These violations and the exceedances are discussed further below.

The Permit sets a benchmark for total zinc at 117 µg/L and for copper at 32 µg/L. Analysis of a July 10, 2018 sample showed exceedances of the Permit benchmarks for both zinc (measured at 130 µg/L) and copper (measured at 62 µg/L), and You failed to conduct the required Level 1 Corrective Actions to address these exceedances. In addition, you have violated several other Water Quality Standards, both in general and in violation of the Permit.

In addition to these exceedances, You are violating the Permit by failing to implement BMPs at the Property. Ecology inspectors found that You were not maintaining and implementing BMPs when they inspected the Site in August 2018. This is a continuing violation because You still have not implemented BMPs. Among the many violations, there are numerous waste piles and deteriorating building materials at the Property that contain elevated concentrations of several pollutants. Many of the waste piles and deteriorating materials are uncontrolled, without secondary containment, and located outside, where they are exposed to the elements. As a result, pollutants from these piles and materials have migrated and continue to migrate to and through the stormwater system and accumulate in the settling ponds. These settling ponds, which contain Your pollutants, then drain to Deadman Creek, a tributary of the Little Spokane River. The continued existence of—and lack of secondary containment around—these uncontrolled piles and deteriorating materials violate BMPs.

Moreover, Your prior NPDES Permit for the Property (No. WA0000876) required You to remove sediments in the settling ponds by September 1, 2016 as a part of required BMPs. *See* NPDES Permit No. WA0000876, section S10.1. You failed to do so.

You are also violating the Permit and Settlement Agreement by continually failing to implement a SWPPP, which is necessary to properly manage the Site to protect waters from stormwater pollution. Ecology penalized Mr. Hothi for Your failure to implement a SWPPP in July 2019. In the Settlement Agreement between Ecology and Mr. Hothi related to this penalty, Mr. Hothi agreed to provide Ecology with an approvable SWPPP by March 31, 2020. Despite this Settlement Agreement and the Permit condition requiring a SWPPP, You still have not implemented a SWPPP.



Spokane Recycling Company, LLC  
Paramjit Hothi  
CDC Mead, LLC  
NMC Mead, LLC  
October 19, 2020  
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Finally, You also have violated the Permit by repeatedly neglecting to perform required monthly inspections and repeatedly failing to submit quarterly Discharge Monitoring Reports and annual reports. For further information, the EPA Action Memoranda relating to the Property dated June 1, 2020 and relating to the KAIC property dated July 2, 2020, which, in part, document some of Your violations, are incorporated here by reference as if set forth in full.

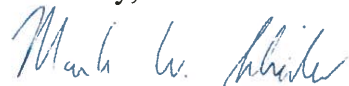
The above-described violations are based on currently available information. These violations are ongoing and reasonably likely to recur because You have failed to take required Corrective Actions to address the exceedances, and You have repeatedly failed to satisfy the Permit reporting, inspection, planning, and BMP requirements that are designed to prevent such exceedances. Your continued failure to implement the required SWPPP and BMPs also constitute ongoing violations of the Permit and Settlement Agreement. KAIC intends to sue for all violations, including those yet to be discovered and those committed after the date of this notice of intent to sue.

Under Section 309(d) of the CWA, 33 U.S.C. 1319(d), each of the above-described violations subjects You to a penalty of up to \$55,800 per day per violation. In addition to civil penalties, KAIC will seek injunctive relief to prevent further violations under Sections 505(a) and (d) of the CWA, 33 U.S.C. § 1365(a) and (d), and such other relief as permitted by law. KAIC will also seek to recover costs including attorneys' fees, as permitted by Section 505(d) of the CWA, 33 U.S.C. § 1365(d).

This notice of intent to sue sufficiently states grounds for filing suit. We may, at the close of the 60-day notice period, or shortly thereafter, file a citizen suit against You under Section 505(a) of the CWA for violations.

During the 60-day notice period, we would be willing to discuss effective remedies for the violations as set forth in this letter, as well as the violations of the easements that You have with KAIC as well as KAIC's other claims. If You wish to pursue such discussions, please let me know.

Sincerely,



Mark W. Schneider

cc: Kaiser Aluminum Investments Company  
Andrew Wheeler, Administrator, U.S. EPA  
Chris Hladick, Administrator, Region 10 U.S. EPA  
Laura Watson, Director, Washington Department of Ecology